

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, each of claims 1, 19 and 20, which are the only independent claims in the application, has been amended to incorporate the subject matter of claim 5, as a result of which claims 5-8, 12 and 16 have been cancelled.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over Tanner et al. (US '466) in view of Miskel et al. (US '051) is respectfully traversed.

In the soft capsule (finished product) of Miskel et al. the active medicinal ingredient is contained in a macromolecular gel-lattice matrix that is a rigid gel system of pectin (dietary fiber) or the like that has been set by cooling and drying. Thus, the state of the active medicinal ingredient and the function of the pectin (dietary fiber) of Miskel et al. are clearly different from those in the soft capsule of the present invention, in which the active medicinal ingredient is a suspension of a liquid type and the dietary fiber functions to stabilize the suspension of a liquid type in the finished soft capsule.

Furthermore, in the method of Miskel et al., the pectin (dietary fiber) is used for forming a macromolecular gel-lattice matrix (vehicle) that acts as a carrier for the active ingredient and that does not destroy the capsule shell. In the soft capsule of Tanner et al. a maltitol syrup is also used as a carrier to dissolve or suspend active ingredients, which syrup provides stability for the fill material and is compatible with the SEG (soft elastic gelatin) shell. Therefore, in regard to the combination of the teachings of Miskel et al. and Tanner et al., the application of the pectin (dietary fiber) of Miskel et al. to the maltitol syrup of Tanner et al. makes no sense, i.e. would not occur to one of ordinary skill in the art, or the replacement of the pectin with the maltitol syrup and vice versa teaches away from the claimed features of the present invention. Accordingly, the teachings of Miskel et al. and Tanner et al. do not suggest the present invention.

Thus, Applicants take the position that the Examiner has failed to establish a *prima facie* case of obviousness of the presently claimed invention based on the disclosures of the Miskel et al. and Tanner et al. references.

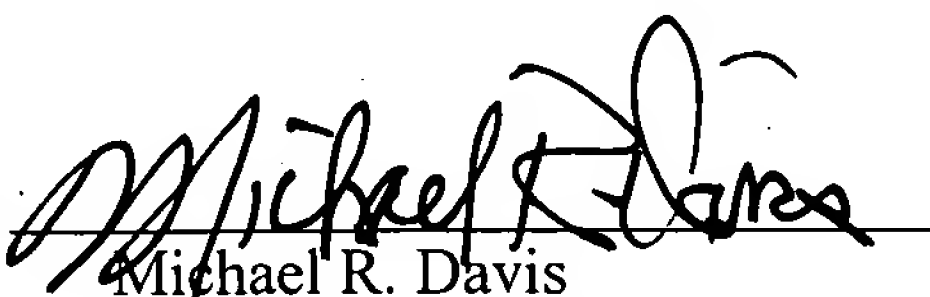
Furthermore, even if a *prima facie* case of obviousness had been established, it would be overcome by the showing of unexpected superior results achieved in accordance with the present invention, attention in this regard being directed to a comparison between Example 1 and Comparative Example 1 on pages 8-11 of the present specification. As clearly shown by Table 1 on page 10, the composition of Example 1, which includes the dietary fiber, permits the raw royal jelly to be contained in a much higher amount (60%) as compared to the amount of raw royal jelly (30%) achieved by the composition of Comparative Example 1 which does not contain the dietary fiber. As also shown by Table 1, the present invention permits the suspended stock solution with increased suspension stability to be prepared without incorporating any fat and oil material, and any suspension stabilizer (see amended claims 1, 19 and 20); and permits the suspended stock solution to be encapsulated in the soft capsule with significantly increased stability with time and quality.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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